

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, January 20, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene Church, Bismarck.

The roll was called and all members were present except Representatives Boe and Kasper.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to HB 1034, HB 1099, HB 1195, and HB 1262.

HB 1034, HB 1099, HB 1195, and HB 1262, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## POINT OF PERSONAL PRIVILEGE

**REP. B. KOPPELMAN** rose on a point of personal privilege.

## REMARKS OF REPRESENTATIVE B. KOPPELMAN

**MR. SPEAKER:** Today is Inauguration Day. It is a day where there is much celebration for some, and much frustration and sadness for others. I have been thinking a lot about what has happened to our country over the last year and what will happen over the next year. I pray for our incoming President and for our outgoing President. On the national stage, it seems like our country has lost the ability to debate the issues and discuss our differences in a civil way. Civil discourse is the bedrock of our representative republic, and I pray that we can once again return to a time when ideas are shared, and we can work together without tearing each other down. This morning when I turned the page on my desk calendar titled 'The Glory of America' to January 20th, I was reminded and inspired by its daily entry: On this day in 1961, the youngest man ever elected President delivered his Inaugural Address. John F. Kennedy stirred the heart of America when he said, "The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world. And so, my fellow Americans—ask not what your country can do for you—ask what you can do for your country...Let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own." At a time of much division, I have great faith in the ability of our nation to be healed and I thank each one of you for your commitment to performing your elected duty through civil discourse. Let's make North Dakota an example to the nation of how to conduct government. God bless these United States of America and God bless the State of North Dakota.

## REQUEST

**REP. LOUSER REQUESTED** that the remarks of Rep. B. Koppelman be printed in the Journal, which request was granted on a voice vote.

## MOTION

**REP. LOUSER MOVED** that the remarks of Rep. B. Koppelman be printed in the journal, which motion prevailed on a voice vote.

## MOTION

**REP. LOUSER MOVED** that HB 1217 be returned to the House floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

## REQUEST

**REP. MONSON REQUESTED** the unanimous consent of the House to withdraw HB 1217. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. LOUSER MOVED** that HB 1319, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to amend and reenact sections 4.1-11-02 and 4.1-11-03, and subsection 2 of section 4.1-11-04 of the North Dakota Century Code, relating to soybean districts and terms of office for members elected to the North Dakota soybean council.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Kasper

Engrossed HB 1145 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1057:** A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03 and subsection 2 of section 32-12.2-02 of the North Dakota Century Code, relating to the statutory caps for liability of political subdivisions and the state; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Bellew; Ertelt; Hoverson

**ABSENT AND NOT VOTING:** Boe; Kasper

Engrossed HB 1057 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1045:** A BILL for an Act to create and enact two new sections to chapter 4.1-18.1 of the North Dakota Century Code, relating to the commissioner's authority to charge fees for industrial hemp testing and to set the tetrahydrocannabinol concentration level; to amend and reenact section 4.1-18.1-01 and subsection 1 of section 4.1-18.1-05 of the North Dakota Century Code, relating to industrial hemp; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Bellew; Ertelt; Hoverson; Simons

**ABSENT AND NOT VOTING:** Boe; Kasper

Engrossed HB 1045 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1031:** A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to legislative management studies of state agency fees; to provide for a legislative management study relating to establishing new state agency fees; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Kasper

Engrossed HB 1031 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1039:** A BILL for an Act to amend and reenact section 48-08-03 of the North Dakota Century Code, relating to a media room in the state capitol; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Kasper

Engrossed HB 1039 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to amend and reenact section 12-63-02.2 of the North Dakota Century Code, relating to tribal police officers; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Becker; Bellew; Christensen; Delzer; Ertelt; Hoverson; Magrum; Schatz; Simons; Skroch

**ABSENT AND NOT VOTING:** Boe; Kasper

HB 1126 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1283:** A BILL for an Act to create and enact a new section to chapter 34-05 of the North Dakota Century Code, relating to establishing an ombudsman position in the department of labor and human rights; to provide for a legislative management report; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 74 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Ista; Mitskog; Mock; Nelson, J.; Nelson, M.; Ostlie; Richter; Roers Jones; Schneider

**NAYS:** Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Kasper; Kreidt

HB 1283 failed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1041, HB 1042, HB 1059, HB 1068, HB 1122, HCR 3002.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2125, SB 2154.

**MOTION**

**REP. LOUSER MOVED** that the absent members be excused, which motion prevailed on a voice vote.

**MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 21, 2021, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**HB 1026: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1026 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "and two" with "three"

Page 1, line 2, after "60-02.1" insert ", and a new section to chapter 60-04"

Page 1, line 7, after the third comma insert "and"

Page 1, line 7, after "60-04-01" insert ", 60-04-03"

Page 1, line 12, after "60-02.1-27" insert ", 60-04-09"

Page 5, line 16, replace "an" with "a new"

Page 13, after line 22, insert:

**"SECTION 11.** A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

**Commissioner's authority - Grain buyer - Trust assets.**

Upon the commissioner's determination that continued operation of a grain buyer is likely to result in probable loss of assets to receiptholders, the commissioner immediately may suspend, close, or take control of the assets held in a trust fund described in section 60-02.1-30, or take any combination of these actions as the commissioner deems necessary to begin an orderly liquidation of those trust fund assets as provided in this chapter."

Page 14, line 7, replace "an" with "a new"

Page 20, line 12, overstrike "apply to the district"

Page 20, line 13, overstrike "court of Burleigh County for authority to take all action necessary to"

Page 20, line 16, overstrike "Upon notice to the licensee as the court prescribes, but not exceeding twenty days, or"

Page 20, overstrike lines 17 through 25

Page 22, after line 8, insert:

**"SECTION 28.** A new section to chapter 60-04 of the North Dakota Century Code is created and enacted as follows:

**Commissioner's authority - Warehouseman - Trust assets.**

Upon the commissioner's determination that continued operation of a warehouseman is likely to result in probable loss of assets to receiptholders, the commissioner immediately may suspend, close, or take control of the assets held in a trust fund described in section 60-04-03.1, or take any combination of these actions as the commissioner deems necessary to begin an orderly liquidation of those trust fund assets as provided in this chapter.

**SECTION 29. AMENDMENT.** Section 60-04-03 of the North Dakota Century Code is amended and reenacted as follows:

**60-04-03. Appointment of commissioner.**

~~Upon the insolvency of any warehouseman, the commissioner shall apply to the district court of a county in which the warehouseman operates a licensed warehouse for authority to take all action necessary and appropriate to secure and act as trustee of the trust fund described in section 60-04-03.1. Upon such notice to the warehouseman as the court shall prescribe, but not exceeding twenty days, or upon waiver of such notice in writing by the warehouseman, the court shall proceed to hear and determine such application in a summary manner. If it shall appear to the court the warehouseman is insolvent within the meaning of this chapter and it would be for the best interests of the receiptholders that the commissioner secure and execute such trust, the court shall issue an order granting the application, without bond, at which time the commissioner shall proceed to exercise the commissioner's authority without further direction from the court.~~

~~Upon the filing of the commissioner's application, the court may issue ex parte such temporary order as may be necessary to preserve or protect the assets of the trust fund, or the value of the trust fund, until the court issues an order granting or denying the application."~~

Page 22, line 18, after the fourth comma insert "60-04-09,"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1073: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1073 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "23.1" with "23.1-08"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1078: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS**

**AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1078 was placed on the Sixth order on the calendar.

Page 11, line 25, remove "an"

Page 11, line 26, replace "amended certificate of ascertainment stating" with "documentation of the vacancy, the method by which the vacancy was filled, and"

Page 13, line 22, replace "an amended certificate of ascertainment" with "documentation of the vacancy, the method by which the vacancy was filled, and the names of the final list of electors"

Page 13, line 22, replace "it" with "the documentation"

Page 13, line 24, remove "amended certificate of"

Page 13, line 25, replace "ascertainment" with "documentation"

Page 13, line 25, remove "amended"

Page 13, line 26, replace "certificate of ascertainment" with "documentation"

Page 13, line 27, replace "amended certificate of ascertainment" with "signed documentation"

Page 13, line 31, replace "amended certificate of ascertainment" with "signed documentation"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1091: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "an effective date" with "for application"

Page 4, line 19, after the underscored period insert "If the entity has diligently pursued other placement, the department may grant an extension for the health and safety of the child or due to unforeseeable circumstances."

Page 4, replace lines 30 and 31 with:

**"SECTION 6. APPLICATION.** The department of human services shall stagger implementation of section 5 of this Act so it applies:

1. On January 1, 2022, to foster home for children, supervised independent living program, and qualified residential treatment program for children providers first certified on or after January 1, 2022; and
2. On January 1, 2023, to foster home for children, supervised independent living program, and qualified residential treatment program for children providers in existence on December 31, 2021."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1104: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for application;"

Page 2, after line 9, insert:

**"SECTION 2. AMENDMENT.** Section 12.1-32-09.1 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-32-09.1. Sentencing of violent offenders.**

1. Except as provided under section 12-48.1-02 and pursuant to rules adopted by the department of corrections and rehabilitation, an offender who is convicted of a crime in violation of section 12.1-16-01, 12.1-16-02, subsection 2 of section 12.1-17-02, section 12.1-18-01, subdivision a of subsection 1 or subdivision b of subsection 2 of section 12.1-20-03, section 12.1-22-01, subdivision b of subsection 2 of section 12.1-22-02, or an attempt to commit the offenses, and who receives a sentence of imprisonment is not eligible for release from confinement on any basis until ~~eighty-five~~<sup>sixty-five</sup> percent of the sentence imposed by the court has been served or the sentence is commuted.
2. In the case of an offender who is sentenced to a term of life imprisonment with opportunity for parole under subsection 1 of section 12.1-32-01, the term "sentence imposed" means the remaining life expectancy of the offender on the date of sentencing. The remaining life expectancy of the offender must be calculated on the date of sentencing, computed by reference to a recognized mortality table as established by rule by the supreme court.
3. Notwithstanding this section, an offender sentenced under subsection 1 of section 12.1-32-01 may not be eligible for parole until the requirements of that subsection have been met.
4. An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.
5. Notwithstanding subsection 4, this section does not apply to a sentence imposed upon revocation of probation.

**SECTION 3. APPLICATION.** Section 1 of this Act applies to judgments of conviction for offenses subject to section 12.1-32-09.1 entered on or after the effective date of this Act."

Page 2, line 10, replace "This" with "Section 2 of this"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1112: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1117: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 2, after the third comma insert "and"

Page 1, line 3, remove ", and subsection 7 of section 30.1-28-04"

Page 1, line 4, remove "; and to repeal section 25-03.1-18.2 of the"

Page 1, remove line 5

Page 1, line 6, remove "prescribed medication"

Page 7, remove lines 3 through 11

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1121: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1121 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "The" with "Except in the case of undue hardship, the"

Page 1, line 9, remove the underscored colon

Page 1, line 10, replace "a. Real" with "real"

Page 1, line 12, replace "(1)" with "a."

Page 1, line 14, replace "(2)" with "b."

Page 1, line 15, replace "(3)" with "c."

Page 1, line 16, replace "(4)" with "d."

Page 1, line 17, replace "(5)" with "e."

Page 1, remove lines 18 through 20

Page 1, line 21, replace "marital property" with "subdivision a, b, c, or d"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1129: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 2, line 3, remove the overstrike over "~~For taxpayers with federal adjusted gross income of~~"

Page 2, line 3, after "fifty" insert "seventy-five"

Page 2, line 3, remove the overstrike over "~~thousand dollars or less,~~"

Page 2, line 4, remove the overstrike over "~~or one hundred~~" and insert immediately thereafter "fifty"

Page 2, line 4, remove the overstrike over "~~thousand dollars or less if married filing jointly, reduced~~"

Page 2, line 4, remove "Reduced"

Page 2, line 5, remove the overstrike over "an"

Page 2, line 5, remove "the"

Page 2, line 5, remove the overstrike over "~~equal to~~"

Page 2, line 5, remove "of"

Page 2, after line 6, insert:

**"SECTION 3. AMENDMENT.** Subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, as amended by section 2 of this Act, is amended and reenacted as follows:

- t. ~~For taxpayers with federal adjusted gross income of seventy five thousand dollars or less, or one hundred fifty thousand dollars or less if married filing jointly, reduced~~ **Reduced** by ~~an~~ the amount equal to ~~of~~ social security benefits included in a taxpayer's federal adjusted gross income under section 86 of the Internal Revenue Code."

Page 2, line 7, replace "This" with "Section 2 of this"

Page 2, line 7, after "for" insert "the first two"

Page 2, line 8, after the period insert "Sections 1 and 3 of this Act are effective for taxable years beginning after December 31, 2022."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1130: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3, 40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal court to execute judgments.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** Section 40-18-14.1 of the North Dakota Century Code is created and enacted as follows:

##### **40-18-14.1. Judgment for fine or costs.**

If the judgment provided for in section 40-18-14 imposes a fine or assesses a cost, the municipal judge may order an authenticated copy of the judgment be filed in the office of the clerk of any district court of any county in the state. The clerk of district court shall treat the municipal court judgment in the same manner as a civil judgment of any district court of any county of the state.

**SECTION 2.** Section 40-18-14.2 of the North Dakota Century Code is created and enacted as follows:

##### **40-18-14.2. Notice of filing.**

1. At the time of filing a judgment under section 40-18-14, the municipal court judge shall order an affidavit providing the name and last known mailing address of the defendant and otherwise complying with section 28-20-15 be filed.
2. Upon the filing of the judgment and affidavit as provided in section 40-18-14, the clerk of district court shall mail notice of the filing of the municipal judgment to the defendant at the address provided and make a note of the mailing in the docket. The notice must include the name and mailing address of the municipal court. In addition, the municipal judge may order notice of the filing of the judgment be mailed to the defendant and proof of the filing may be filed with the clerk of district court. If proof of mailing by the municipal court has been filed, a failure of the clerk of district court to mail a notice may not effect the enforcement of the proceedings.

3. An execution of other process for enforcement of a municipal court judgment filed under this section may not be issued until ten days after the date the judgment is filed.

**SECTION 3.** Section 40-18-14.3 of the North Dakota Century Code is created and enacted as follows:

**40-18-14.3. Stay.**

If the defendant shows the district court of any county that an appeal from the judgment provided in section 40-18-14 is pending or will be taken, the court shall stay enforcement of the municipal court judgment until the appeal is concluded or the time of appeal expires.

**SECTION 4.** Section 40-18-14.4 of the North Dakota Century Code is created and enacted as follows:

**40-18-14.4. Fees.**

The municipal judge shall order a filing fee of ten dollars to be paid to the clerk of the district court.

**SECTION 5.** Section 40-18-14.5 of the North Dakota Century Code is created and enacted as follows:

**40-18-14.5. Effect of filing.**

Upon filing of a judgment under section 40-18-14 with the district court in accordance with this chapter, the judgment is enforceable only in the same manner as provided for a judgment for money in a civil action."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1153: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1153 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1160: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1160 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 3, after "penalty" insert "; and to provide an effective date"

Page 19, after line 3, insert:

**"SECTION 7. EFFECTIVE DATE.** This Act becomes effective January 1, 2022."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1174: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1187: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1187 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1200: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1200 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1210: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1237: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1237 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1258: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1258 was placed on the Sixth order on the calendar.

Page 5, line 8, remove "Education"

Page 5, line 8, overstrike "courses may not require passing"

Page 5, line 9, overstrike "of a test to qualify for satisfaction of this requirement."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1263: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1263 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike the period

Page 1, line 9, remove "This"

Page 1, line 10, replace "subsection does not apply to" with "or by"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1299: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1299 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "51-15" with "51-07"

Page 1, replace lines 5 and 6 with:

**"SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:"

Page 1, line 23, replace "by" with "in"

Page 1, line 23, remove "it is a deceptive act or practice in"

Page 1, line 24, replace "violation of this chapter for a retail establishment to" with "a retail establishment may not"

Page 2, line 22, replace "shall" with "may"

Page 2, line 28, replace "shall" with "may"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1300: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3009: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 3, after "policies" insert "for children and adults"

Page 2, line 2, after "policies" insert "for children and adults"

Renumber accordingly

The House stood adjourned pursuant to Representative Louser's motion.

**Buell J. Reich, Chief Clerk**

